

Message Text

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PAGE 01 TOKYO 13054 071047Z

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ACTION AEC-05

INFO OCT-01 EA-07 ISO-00 SCI-03 NSF-01 NAS-01 CIAE-00

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 5080

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EO 11652: NA

TAGS: TECH JA US

SUBJ: ABCC

REF: A. STATE 209097, B. STATE 219689

1. SCICOUNS AND AEC REP MET WITH MATSUURA FOR REVIEW OF REMAINING ABCC ISSUES. MATSUURA EXPRESSED APPRECIATION FOR OPPORTUNITY OF LENGTHY DISCUSSION WITH LIVERMAN IN WASHINGTON, WHICH HE CONSIDERED MOST USEFUL.

2. RE PROPOSALS IN STATE 205648, WHICH REACHED EMBASSY AFTER MATSUURA'S DEPARTURE FOR CANADA, MATSUURA HAS STILL HAD ONLY LIMITED CHANCE FOR REVIEW, BUT PROVIDED FOLLOWING TENTATIVE VIEWS. HE INDICATED HE HAD ALSO DISCUSSED THESE POINTS WITH LIVERMAN TO SOME EXTENT:

A) PARAGAAPH 3 OF EXCHANGE OF NOTES: TREATY BUREAU OF FONOFF STILL CONSIDERING ACCEPTABILITY OF "WHENEVER REQUESTED."

B) ADDITIONAL PARAGRAPH FOR RECORD OF DISCUSSIONS: MATSUURA STTED THIS PROVISION IS CLEARLY UNACCEPTABLE, AND HAD IMPRESSION THAT LIVERMAN HAD AGREED TO RECONSIDER US NEED FOR SUCH LANGUAGE. AS EMBASSY PREVIOUSLY OBSERVED, LANGUAGE WHICH SEEMS TO MAKE APPOINTMENT OF DIRECTORS A GOVERNMENTAL RESPONSIBILITY IS IN DIRECT CONFLICT WITH ACT OF ENDOWMENT. WE CONTINUE TO BELIEVE THAT FORMULA WHICH HAS REALISTIC CHANCE OF ACCEPTANCE IS THAT
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PAGE 02 TOKYO 13054 071047Z

CONTAINED IN PARA 4 OF TOKYO 10727.

C. PRINCIPLES FOR INITIAL CONTRIBUTION: MATSUURA INDICATED AGREEMENT WITH APPROACH, IN PRINCIPLE, BUT OBSERVED THAT IT WOULD BE VERY DIFFICULT FOR GOJ TO MAKE WRITTEN COMMITMENTS COVERING THEIR CONTRIBUTION AT TIME (NO LATER THAN JANUARY) WHEN DOCUMENTS ARE SIGNED, IN VIEW OF THEIR BUDGETARY PROCEDURES AND SCHEDULE. BY THAT TIME, BUDGET IN WHICH COMPUTER AND LAND RENT WILL HOPEFULLY BE FUNDED WILL STILL NOT HAVE BEEN APPROVED BY DIET. MOREOVER, WHILE MATSUURA SEES NO DIFFICULTY IN CONTINUING PAYMENT OF LAND RENT BY GOJ, AS LEGAL MATTER, THIS MUST BE COVERED IN ANNUAL BUDGET SUBMISSIONS. EMBOFFS SUGGESTED THAT, AT THIS STAGE, GOJ SHOULD DISTINGUISH BETWEEN SUBSTANCE OF PROPOSAL, AND FORMAL PROBLEM OF INCORPORATING IT IN ONE OF FOUNDING DOCUMENTS, AND TO ADVISE US AS SOON AS POSSIBLE WHETHER THEY ACCEPT SUBSTANCE. MATSUURA SEEMED AGREEABLE TO THIS APPROACH.

3. FOLLOWING MEETING, EMBASSY WAS INFORMED BY FONOFF THAT, IN VIEW LIVERMAN'S UNAVAILABILITY FOR MEETING IN TOKYO WEEK OF SEPT 28, AS PREFERRED BY MATSUURA, THEY HAVE AGREED TO FINAL MEETING BEING HELD NOV 5-6, WITH THIRD DAY POSSIBLE IF ABSOLUTELY NECESSARY. THEY STRESSED THAT, DUE TO LATE DATE OF THIS MEETING, EVERY EFFORT MUST BE MADE TO RESOLVE REMAINING ISSUES BEFORE-HAND. THIS RESPONSE ALSO BEING CONVEYED VIA JAPANESE EMBASSY IN WASHINGTON.

4. EMBASSY SHARES VIEW THAT RESOLUTION OF AS MANY SUBSTANTIVE ISSUES AS POSSIBLE BEFORE FINAL SESSION IS ESSENTIAL. IN THIS REGARD, WE BELIEVE MOST DIFFICULT REMAINING ISSUE IS THAT OF AUDIT. EMBOFFS REITERATED IN MEETING WITH MATSUURA THAT US REVIEW OF PRECEDENTS HAD SUPPORTED CONCLUSION THAT US AUDIT RIGHTS WERE NEEDED, AND CITED PRECEDENT OF ARGENTINE AND OTHER RESEARCH CONTRACTS, WITHOUT PROVIDING CONTRACTUAL LANGUAGE, WHICH WE CONSIDER COMPLETELY UNSUITABLE FOR GOVERNMENTAL AGREEMENT. EMBASSY WOULD APPRECIATE SPECIFIC PROPOSAL FOR AUDIT PROVISION AS REQUESTED IN PARA 8 OF TOKYO 12752.

5. MHW REP PROVIDED RESPONSE TO US PROPOSAL ON TERMINATION ALLOWANCES OF STATE 209097. AS ANTICIPATED, RESPONSE REJECTS PROPOSAL THAT GOJ SHARE IN INCREMENT PAYABLE ON ACCOUNT OF PRIOR ABCC EMPLOYMENT. TEXT OF RESPONSE BEING SENT BY SEPARATE LIMITED OFFICIAL USE

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PAGE 03 TOKYO 13054 071047Z

AIRGRAM.

6. REFTEL (B) JUST RECEIVED. EMBASSY NOTES NOV 4 IS CULTURE DAY IN JAPAN, A HOLIDAY. TAKING THIS INTO ACCOUNT, EMBASSY ASSUMES THAT US PROPOSAL OF NOV 4-7 WOULD BECOME NOV 5-8. ONLY DIFFERENCE FROM GOJ PROPOSAL (PARA 3) IS THAT JAPANESE SIDE HOPES TO CONCLUDE TALKS WITHIN TWO DAYS. EMBASSY WILL RESERVE FIVE SINGLES AT OKURA FOR NOV 2-9.

HODGSON

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